

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

February 25, 2013

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No. 12-50167  
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Lyle W. Cayce  
Clerk

AQUA OPERATIONS, INCORPORATED,

Plaintiff-Appellant

v.

CITY OF KYLE, TEXAS,

Defendant-Appellee

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:11-CV-952  
\_\_\_\_\_

Before JONES, DENNIS, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Plaintiff-appellant Aqua Operations, Inc., appeals the district court's order granting defendant-appellant City of Kyle's motion to dismiss this action in enforcement of the forum selection clause of the underlying contract between the parties. After reviewing the record and briefs, we affirm for essentially the reasons set forth by the district court in its order dated January 27, 2012.

**AFFIRMED.**

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\* Pursuant to Fifth Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Fifth Circuit Rule 47.5.4.